



***United States Attorney
Southern District of New York***

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**U.S. ATTORNEY'S OFFICE TO REVIEW CITY HOTELS
FOR DISABILITY ACCESS**

DAVID N. KELLEY, the United States Attorney for the Southern District of New York, announced today that the United States Attorney's Office for the Southern District of New York has commenced a review of approximately fifty hotels in New York City to determine whether they are being operated in compliance with the Americans with Disabilities Act of 1990 (the "ADA").

Federal law prohibits discrimination on the basis of disability by private entities that own or operate "places of public accommodation," which the law defines to include hotels. The ADA authorizes the United States Department of Justice to investigate complaints and to undertake periodic reviews of compliance of covered entities, such as hotels. The Department of Justice is also authorized to commence a civil lawsuit in federal court in any case that involves a pattern or practice of discrimination or that raises issues of general public importance, and to seek injunctive relief, monetary damages, and civil penalties.

Mr. KELLEY explained that, given the number of hotels

within the Southern District of New York, his Office has decided to begin its compliance review with those hotels located within New York City's Theater District, which is defined for purposes of this review to include the area bounded to the south by West 40th Street, to the north by West 57th Street, to the east by Sixth Avenue, and to the west by Eighth Avenue. Mr. KELLEY explained that this definition of the Theater District is roughly equivalent to the definition used by the City of New York in its zoning regulations. The scope of the initiative currently includes 48 hotels in the Theater District. Mr. KELLEY explained that other hotels within Manhattan may be added to the scope of this review from time to time.

To facilitate its compliance review, the Government has sent each hotel within the scope of the initiative a detailed Survey Form. The Government has asked hotels receiving the Survey Form to complete and return the form within 30 days. Mr. KELLEY explained that, for most hotels receiving the Form, it will likely be necessary for representatives of his Office to conduct on-site inspections to confirm survey responses and review their compliance with federal law.

Mr. KELLEY further explained that if the Government's compliance review uncovers evidence that a particular hotel is not in compliance with the law, the Government intends to work with the owners and operators in an effort to secure voluntary

compliance.

Mr. KELLEY stated: "The Americans with Disabilities Act is vitally important to City residents and visitors alike, and it is imperative that hotels and other public accommodations so essential to the business of this international City fully comply with their obligations under federal law. We look forward to working with the owners and operators of City hotels as we assess their compliance with federal law and, if violations are discovered, we look forward to working cooperatively with them to secure voluntary compliance."

Mr. KELLEY stressed that the Government's initiative was being conducted in accordance with its statutory responsibility to review compliance with federal law, and not in response to any specific complaint against any of the hotels within the scope of the review. Mr. KELLEY explained that any member of the public who wishes to file a complaint alleging that a hotel or any other place of public accommodation within the Southern District of New York is not accessible to persons with disabilities may use the Civil Rights Complaint Form available on the United States Attorney's Office's website, www.usdoj.gov/usao/nys. Such complaints should be sent to the United States Attorney's Office, Southern District of New York, 86 Chambers Street, New York, New York, 10007, attention: Chief, Civil Rights Unit.

Assistant United States Attorneys HEATHER K. McSHAIN,
JOHN P. CRONAN, and PETER M. SKINNER are in charge of the
initiative.

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